

in March, 1934, and subsequent to the effective date of this Act shall be and the same is hereby declared void. Provided that the lien sought to be foreclosed was not procured or obtained for the purpose of securing in part or whole any indebtedness for money or property procured by misrepresentation, fraud, defalcation or embezzlement. Provided further that if the record owner of such real estate and the holder of such indebtedness agree in writing that such sale shall be made on February 6, 1934, such sale shall be valid and binding. In all such cases the agreement shall be signed by the trustee or other person making such sale and by the record owner of such real estate and shall be acknowledged and filed for record with the trustee's deed.

Sec. 2. That the period within which return is required to be made under any such execution or order of sale shall be, and the same is hereby extended for such period as may be necessary to enable the officer making such sale to make due return thereof, but such extension shall not extend beyond the first Tuesday in April, 1934.

Sec. 3. That any and all statutes of limitations be, and the same are hereby suspended during the effective period of this Act.

Sec. 4. The importance of this legislation, together with the crowded condition of the calendar and the near approach of the end of the session, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

SIXTH DAY.

Senate Chamber,
Austin, Texas,
February 5, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackerr.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.	Woodruff.
Greer.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix)

Committee Reports.

(See Appendix)

Senator Excused.

On motion of Senator Patton, Senator Grady Woodruff was excused for the day to attend the funeral of an ex-member of the Texas Senate.

Oath of Office.

Senator Frank H. Rawlings, having been duly nominated and elected by the members of the Senate as President Pro Tem. for the Second Called Session of the Forty-third Legislature, was escorted to the platform where the Chair, Lieutenant Governor Edgar E. Witt, administered the oath of office.

The Chair then introduced President Pro Tem. Frank H. Rawlings, who briefly addressed the Senate and took the Chair.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 5, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution.

H. C. R. No. 10, Commending the

activities of the entire Texas Congressional delegation in Washington, and thanking them, on behalf of the men and women of Texas for their successful protection of the rights of Texas.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 5, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following joint resolution:

H. J. R. No. 1, Ratifying an amendment to the Constitution of the United States of America, passed by the Sixty-eighth Congress of the United States of America, at its First Session, begun and held at the City of Washington on Monday, the third day of December, one thousand nine hundred and twenty-four, which amendment, in substance, grants power to the Congress to limit, regulate, and prohibit the labor of persons under eighteen years of age, and expressly leaves unimpaired the power of the several States, except that the laws of said State shall be suspended to the extent necessary to give effect to legislation enacted by Congress.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 6.

The Chair laid before the Senate on its second reading

H. B. No. 6, A bill to be entitled "An Act providing that application for the renewal of registration of a vehicle for any calendar year shall be made not later than May 31st of that year; and providing that during the months of January, February, March, April, and May of each year it shall be lawful to operate any such vehicle under the license number plates and license issued for such vehicles for the preceding calendar year; defining the word 'vehicle,' and declaring an emergency."

Senator Oneal sent up the following amendments, as a substitute to the bill:

Amend H. B. No. 6 by striking out all above the enacting clause and

substituting in lieu thereof the following:

By Senators Oneal, Collie, Woodward, Poage, and Hornsby:

A BILL

To Be Entitled.

An Act amending Section Three (3) of Chapter 88, General Laws, Second Called Session, Forty-first Legislature; amending Section Four (4) of the same Act; providing that motor vehicle registration and license fees paid on or before April 1, 1934, for the year 1934, shall be good to and including March 31, 1935, and shall be the amount of a full fee for a year as provided by statute, but without penalty; and that all fees paid after January 31, 1934, and on or before April 1, 1934, shall be without penalty and the license shall relate back to January 1, 1934; and providing that tax collectors and other officials who have collected or hold penalties on registration or license fees paid after January 31, 1934, are authorized and instructed to refund same if application therefor and refund is made by March 15, 1934, and requiring such officials to make reports of such refunds; and providing that compliance by any person entitled to the benefits of this Act with its terms may be proved as a defense to prosecution for any act committed on or before April 1, 1934, which would otherwise be unlawful under Sections 14-b, 14-d or 14-e of Chapter 88, General Laws of Second Called Session, Forty-first Legislature; and repealing from and after April 1, 1934, Sections 14-a, 14-b, 14-c, 14-d and 14-e of Chapter 88 of the General Laws of the Second Called Session, Forty-first Legislature; and saving all convictions and prosecutions for violations of sections committed before April 1, 1934, in full force and effect; making it a misdemeanor for any person to operate a passenger car, commercial motor vehicle or truck-tractor on public highways during any month of a motor vehicle registration year without having attached to and displayed thereon two license number plates, on rear and on front, lawfully assigned for said vehicle for that current year; and

making it a misdemeanor for any person to operate a road-tractor, motorcycle, trailer or semi-trailer on the public highways during any month of a motor vehicle registration year, without having attached to and displayed on rear thereof a license number plate lawfully assigned therefor for that current year; and making it a misdemeanor for any person to operate any motor vehicle trailer or semi-trailer on the highways on or after April 1 of any motor vehicle registration year with license plate or plates for any preceding year attached or displayed and providing a fine in any sum not exceeding two hundred (\$200.00) dollars for conviction for any one of such misdemeanors, and declaring an emergency.

By Senators Oneal, Collie, Woodward, and Poage:

Amend H. B. No. 6 by striking out all after the enacting clause and substituting in lieu thereof the following:

Section 1. That Section Three (3) of Chapter 88, General Laws, Second Called Session, Forty-first Legislature, be amended so as to hereafter read:

"Application for the registration of a vehicle required to be registered hereunder shall be made on a form furnished by the department; each such application shall be signed by the owner of the vehicle and shall give his name and address in full, and shall contain a brief description of the vehicle to be registered. Said description, in case of a new motor vehicle, shall include: the trade name of the vehicle; the year model; the style, type of body and the weight, if a passenger car, or the net carrying capacity and gross weight, if a commercial motor vehicle; the motor number; the date of sale by manufacturer or dealer to the applicant. The application shall contain such other information as may be required by the department. It is expressly provided, however, that the owner of a vehicle previously registered in any State for the preceding or current year may in lieu of filing an application as hereinbefore directed, present the license receipt and transfer receipts, if any, issued for the registration or transfer of the vehicle for the preceding calendar year, and

said receipt or receipts shall be accepted by the county tax collector as an application for the renewal of the registration of the vehicle, provided said receipts show that the applicant is the rightful owner thereof. Provided, however, that should an owner or a claimed owner of a motor vehicle or automobile offer to register same but has lost or misplaced the registration receipt or transfer, then upon his furnishing satisfactory evidence to the tax collector by affidavit or otherwise that he is the real owner of same, then shall it become the duty of the tax collector to issue him license therefor. It shall be the duty of the tax collector to date each registration receipt issued for a vehicle the same date that application is made for registration of such vehicles. Owners of motor vehicles, trailers and semi-trailers, which are the property of, and used exclusively in the service of the United States Government, the State of Texas, or any county or city thereof, shall apply annually to register all such vehicles, but shall not be required to pay the registration fees herein prescribed provided that affidavit is made at the time of registration by a person who has the proper authority that such vehicles are the property of and used exclusively in the service of the United States Government, the State of Texas, or county or city thereof. Application shall be made for the registration of a new vehicle for the unexpired portion of the year in which it is acquired before it is operated on the public highways; except that a new vehicle may be operated temporarily by a dealer under a dealer's license number or by its purchaser under a special dealer's cardboard number as provided in Chapter 211, General and Special Laws of the Regular Session of the Fortieth Legislature. The year for the purpose of registration of motor vehicles shall be April 1 to March 31 (both inclusive), of the next succeeding calendar year, and may be referred to as the 'Motor Vehicle Registration Year,' and current year where used in the statutes relating to payment of registration fees shall mean that motor vehicle registration year. Application for the renewal of registration of a vehicle and for each chauffeur's license for any motor vehicle registration year shall be made not later than April 1st of such year."

Sec. 2. That Section 4, Chapter 88, General Laws of Second Called Session, Forty-first Legislature, be amended so as to hereafter read:

"Each application filed hereunder for registration or for chauffeur's license during April shall be accompanied by the annual fee; each application filed after April shall be accompanied by the full amount of the annual fee if the vehicle was operated on the public highways or streets during any part of April of that year, each application for re-registration filed during May or any subsequent month of that motor vehicle registration year, shall be accompanied by affidavit that such vehicle has not been previously operated upon the highways of this State during any portion of the current year and shall be accompanied by eleven-twelfths, ten-twelfths, nine-twelfths, eight-twelfths, seven-twelfths, six-twelfths, five-twelfths, four-twelfths, three-twelfths, two-twelfths, or one-twelfth respectively of the annual fee."

Sec. 3. Every motor vehicle registration or license fee paid and chauffeur's license fee paid on or before January 31, 1934, for the calendar year, shall be good and valid until and including March 31, 1935, as if originally issued for such term, and all 1934 license plates may lawfully be used for such term.

Every registration fee or license fee paid after January 31, 1934, and on or before April 1, 1934, shall be the full fee for a year as provided by statute, but without penalty; and the license issued upon such payment shall relate back to January 1, 1934, and be good to and including March 31, 1935.

All tax collectors and other officials who may have collected or may hold penalties on registration or license fees paid after January 31, 1934, are hereby authorized and instructed to refund to the person paying said penalty the amount of said penalty, providing that application must be made for and said refund made by March 15, 1934. Each collector or other official making such refund shall make with his reports now required by law on the collection of registration and license fees a detailed statement to become part of such report, showing the following: name of person paying penalty, date of payment, amount of payment; name of person to whom re-

fund was made, date of refund, amount of refund.

The compliance by any person entitled to the benefits of this act with the terms hereof when pleaded and proved to the satisfaction of the court or jury trying the case, shall be a defense to any criminal prosecution for any act committed on or before April 1, 1934, which otherwise would be unlawful under Section 14-b, Section 14-d, or Section 14-e, of Chapter 88 of the General Laws of the Second Called Session, Forty-first Legislature.

Sec. 4. From and after April 1, 1934, Section 14-a, Section 14-b, Section 14-c, Section 14-d and Section 14-e of Chapter 88 of the General Laws of the Second Called Session, Forty-first Legislature, shall be and are hereby repealed; provided that all convictions and prosecutions for violations of said sections committed before April 1, 1934, are hereby saved in full force and effect as if this section were not enacted into law.

Sec. 5. Any person who operates a passenger car or a commercial motor vehicle or truck-tractor upon the public highways of this State any time during any month of a motor vehicle registration year without having displayed thereon and attached thereto two license number plates, one plate at the front and one at the rear, which have been duly and lawfully assigned for said vehicle for the current year, shall be guilty of a misdemeanor.

Sec. 6. Any person who operates a road-tractor, motorcycle, trailer or semi-trailer upon the public highways of this State any time during any month of a motor vehicle registration year without having attached thereto and displayed on the rear thereof, a license number plate duly and lawfully assigned therefor for the current year shall be guilty of a misdemeanor.

Sec. 7. Any person operating any motor vehicle, trailer or semi-trailer upon the highways of this State on and after April 1 of any motor vehicle registration year with license plate or plates for any preceding year attached or displayed, shall be deemed guilty of a misdemeanor.

Sec. 8. Any person convicted of a misdemeanor for a violation of Section 5, Section 6 or Section 7 of this Act shall be fined in any sum

not exceeding two hundred (\$200.00) dollars.

Sec. 9. The fact that annual motor vehicle registration and license fees are now required to be made each year in January, and that many other taxes, State, county and city, fall due in that month, thus placing an unduly heavy tax burden on the taxpayers in that month, and the further fact that many owners of motor vehicles were not able this year to pay the annual fees before date of accrual of penalties, create an emergency and an imperative public necessity that the constitutional rule requiring bills be read on three several days in each House be suspended in order that this Act shall take effect and be in full force and effect from and after its passage, and said rule is hereby suspended, and it is so enacted.

Senator Pace raised the point of order that H. B. No. 6 being considered does not come within the Governor's call.

The Chair overruled the point of order.

Senator O'Neal moved the adoption of the amendment.

Senator Pace offered a substitute motion that the bill be re-referred to the committee for further consideration.

Senator Poage sent up the following amendment to the substitute amendment by Senator O'Neal and asked that it be considered along with the substitute.

Gross Weight
in pounds

1— 6,000	_____
6,001— 8,000	_____
8,001—10,000	_____
10,001—12,000	_____
12,001—14,000	_____
14,001—16,000	_____
16,001—22,000	_____
22,001—26,000	_____
26,001—and up	_____

The term gross weight as used in this section shall mean the actual weight of the vehicle fully equipped with body and other equipment, as certified by any official public weigh-

Amend substitute to H. B. No. 6, by adding thereto the following:

Sec. 3. Beginning with the motor vehicle registration year, beginning April 1, 1935, and for every year thereafter, all license fees shall be reduced by twenty per cent (20%) from the amount of the present fees as now fixed by the statutes of this State.

Sec. 4. From and after January 1, 1935, Sections 5, 6, 7, 8, and 8-a of Chapter 88 of the General Laws of the Second Called Session of the Forty-first Legislature shall read as follows:

"Sec. 5. The annual license fee for the registration of a motorcycle shall be Four (\$4.00) Dollars, and for each side-car Two and 40/100 (\$2.40) Dollars.

The annual license fee for the registration of a passenger car shall be based upon the weight of a vehicle as follows:

Weight in pounds	Fee per 100 pounds or fraction thereof
1-2000	\$ 4.50
2001-3500	10.10
3501-4500	17.30
4501 and up	18.00

The weight of any passenger car, for purposes of registration shall be the weight generally accepted as its correct shipping weight plus one hundred pounds.

Sec. 6. The annual license fee for the registration of a commercial motor vehicle or truck-tractor shall be based upon the gross weight and tire equipment of the vehicle as follows:

Gross Weight in pounds	Fee per 100 pounds or fraction thereof	
	Equipped with Pneumatic Tires	Equipped with Solid Rubber Tires
1— 6,000	\$ 19.20	\$ 24.00
6,001— 8,000	32.00	38.40
8,001—10,000	48.00	56.00
10,001—12,000	67.20	86.40
12,001—14,000	89.60	112.00
14,001—16,000	115.20	153.60
16,001—22,000	183.10	264.00
22,001—26,000	332.80	416.00
26,001—and up	832.00	1,040.00

er or any license and weight inspector of the State Highway Department, plus its net carrying capacity. "Net carrying capacity" of any vehicle, except a bus, as used in this

section shall be the weight of the heaviest net load to be carried on the vehicle being registered; provided said net carrying capacity shall in no case be less than the manufacturer's rated carrying capacity. "The net carrying capacity of a bus as defined in this Act shall be computed by multiplying its seating capacity by 150 pounds. The seating capacity of any such vehicle shall be the manufacturer's rated seating capacity exclusive of the driver's or operator's seat. The seating capacity of any such vehicle not rated by the manufacturer shall be determined by allowing one passenger for each sixteen inches that such vehicle will seat, exclusive of the driver's or operator's seat."

Sec. 7. The annual license fee for the registration of a road tractor shall be based upon the weight of the tractor, as certified by any official public weigher or any license and weight inspector of the State Highway Department, as follows:

1— 4,000 pounds.....	\$ 8.00
4,001— 6,000 pounds.....	24.00
6,001— 8,000 pounds.....	38.40
8,001—10,000 pounds.....	60.00
10,001—16,000 pounds.....	128.00
16,001—20,000 pounds.....	320.00

Sec. 8. The annual license fee for the registration of trailer or semi-trailer shall be based upon the gross weight and tire equipage of the trailer or semi-trailer as follows:

Gross Weight in pounds	Fees per 100 pounds or fraction thereof		
	Equipped with Pneumatic Tires	Equipped with Solid Tires	Equipped with Steel Tires
1— 6,000	\$ 14.40	\$ 19.20	\$ 48.00
6,001— 8,000	25.60	32.00	80.00
8,001—10,000	40.00	48.00	120.00
10,001—12,000	57.60	76.80	192.00
12,001—14,000	89.60	112.00	280.00
14,001—16,000	153.60	192.00	384.00
16,001—20,000	256.00	320.00	640.00
20,001—and up	640.00	800.00	960.00

The term "gross weight" as used in this section means the actual weight of the trailer or semi-trailer, as officially certified by any public weigher or any license and weight inspector of the State Highway Department, plus its net carrying capacity. "Net carrying capacity" as used in this section shall be the weight of the

heaviest net load to be carried on the vehicle being registered; provided said net carrying capacity shall in no case be less than the manufacturer's rated carrying capacity.

Sec. 8-a. Annual license fees for the registration of motor buses shall be based upon the "gross weight" of the vehicle as follows:

Gross Weight in pounds	Fee per 100 pounds or fraction thereof	
	Equipped with Pneumatic Tires	Equipped with Solid Tires
1— 4,000	\$ 35.20	\$ 40.00
4,001— 6,000	55.20	67.20
6,001— 8,000	83.20	96.00
8,001—16,000	179.20	204.80
16,001—24,000	268.80	336.00
24,001—28,000	313.60	448.00
28,001—and up	896.00	1,344.00

The question recurred on the motion of Senator Pace to re-refer the bill to the committee.

Senator Oneal moved to table the motion to re-refer the bill. The motion to table prevailed by the following vote:

Yeas—16.

Blackert.
Collie.
DeBerry.
Hornsby.
Martin.
Moore.

Murphy.
Oneal.
Poage.
Purl.
Rawlings.
Regan.

Sanderford. Stone.
Small. Woodward.

Nays—9.

Beck. Parr.
Cousins. Redditt.
Duggan. Russek.
Holbrook. Woodul.
Pace.

Present—Not Voting.

Neal.

Absent.

Hopkins. Patton.

Absent—Excused.

Fellbaum. Woodruff.
Greer.

Senator Woodul moved that further consideration on the bill and amendment be postponed until tomorrow at 2 o'clock p. m.

Senator Purl offered the substitute motion that the bill and amendments be mimeographed and set for special order after the morning call.

The substitute motion prevailed.

Senate Simple Resolution No. 9.

Senator Woodward sent up the following resolution:

Whereas, The Senate of Texas has learned with regret of the illness of our colleague, Senator Fellbaum of Bexar; and

Whereas, We are rejoiced to learn of his continued improvement; and

Whereas, During his absence his services as a member of the Senate are greatly missed by his colleagues; and

Whereas, Certain senatorial duties relating to his district and his constituents cannot be performed by him during his illness;

NOW THEREFORE, BE IT RESOLVED, That the Senate of Texas and the individual members thereof express regrets at the illness of our colleague, the Senator from Baxor, and express the hope for his speedy recovery and his return to the Senate.

BE IT FURTHER RESOLVED, That we, the members of the Senate, tender to him our services in connection with any senatorial duties as related to his district and his constituents.

WOODWARD.

The resolution was adopted.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, February 5, 1934.

Hon Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution:

H. C. R. No. 15, Endorsing the Hon. William J. Fanning of Sulphur Springs, Texas, for the appointment of United States Ambassador to Czecho-Slovakia.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, February 5, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has reconsidered the vote by which the Conference Report on H. B. No. 4 was adopted, and requests further consideration on the part of the conferees from the House and from the Senate with reference to Section No. 3 of H. B. No. 4.

The following member has been added to take the place of an absent conferee on the part of the House:

Jones of Atascosa for Pope.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Vote Reconsidered.

Senator Woodward moved that the vote by which the Free Conference report on H. B. No. 4 was adopted be reconsidered.

The motion prevailed.

Senator Woodward moved that the bill be re-referred to the Free Conference Committee.

The motion prevailed.

Resolution Referred.

H. J. R. No. 1, referred to the Committee on Labor.

H. C. R. No. 10.

The Chair laid before the Senate H. C. R. No. 10, a resolution commending members in Washington for protecting the right of husband and

wife to make separate income tax returns.

Senator Hornsby moved that the resolution be considered at this time without reference to a committee.

The motion prevailed.

Senator Woodul offered the following amendment:

Amend by adding to the paragraph next preceding the resolution clause the following:

"and especially the Hon. Morgan Sanders, the Texas House Member of the House Ways and Means Committee."

WOODUL,
PACE,
REDDITT,
NEAL.

Senator Hornsby moved to table the amendment.

The Senate, on motion of Senator Moore, granted unanimous consent to add to the Woodul amendment the names of all Texas members of Congress, both House and Senate.

The Senate, on motion of Senator Purl, granted unanimous consent to add to the Woodul amendment the name of Hon. John N. Garner, Vice-President of the United States.

Senator DeBerry raised the point of order that only ten minutes could be devoted to consideration of a resolution and that that time had expired.

The Chair overruled the point of order.

The question recurred on the motion of Senator Hornsby to table the Woodul amendment.

The motion prevailed.

Senator Hornsby moved the adoption of the resolution.

The motion prevailed.

At Ease.

On motion of Senator Hopkins, the Senate, at 12:10 o'clock p. m., stood at ease until 2 o'clock p. m., today.

Afternoon Session.

The Senate was called to order, pursuant to recess, at 2 o'clock, p. m., by Lieutenant Governor Edgar E. Witt.

Free Conference Report.

Senator Woodward moved the

adoption of the following Free Conference Report on H. B. No. 4.

Committee Room,

Austin, Texas, February 5, 1934.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the two Houses on H. B. No. 4, have had the same under consideration, and we recommend that said bill be passed in the form as attached hereto.

Respectfully submitted,

SMALL,
REDDITT,
WOODWARD,
POAGE,

On the Part of the Senate.

GREATHOUSE,
STINSON,
MORRISON,
WALTER E. JONES,
ROBERTS,

On the Part of the House.

By Pope:

H. B. No. 4.

A BILL

T. Be Entitled

An Act to stay all sales under execution, or order of sale, or under any deed of trust, mortgage or other contract giving or granting any power of sale of real property for debt now advertised to be made on February 6, 1934, until the first Tuesday in March, 1934; providing that no other or further advertisement or notice of any such sale than that lawfully given for sale on February 6, 1934, shall be required for such sale on the first Tuesday in March, 1934; providing this Act shall not affect any lien sought to be foreclosed that was procured for the purpose of securing in part or whole any indebtedness for money or property procured by misrepresentation, fraud, defalcation, or embezzlement; providing the period for making return on any such execution or order of sale is extended for such period as may be necessary for the officer to make return, but such extension shall not extend beyond the first Tuesday in April, 1934; providing for sales by agreements between the record owner of the real estate and the holder of the indebted-

ness or trustee or person making such sale; and providing that the time during which any sale is suspended or extended shall not be computed as a part of the period within which any suit shall be instituted or any sale shall be made; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all sales under any execution or order of sale issued out of any court of this State and all sales under any deed of trust, mortgage or other contract giving or granting any power of sale of real property for debt now advertised to be made on February 6, 1934, are hereby stayed and postponed until the first Tuesday of March, 1934; that no other or further advertisement or notice of any such sale that has been lawfully published or given for sale on February 6, 1934, shall be required for sale under such execution, order of sale or such deed of trust, mortgage or other contract on the first Tuesday in March, 1934. Any and all sales under execution, order of sale or under any deed of trust, mortgage or other contract giving or granting any power of sale of real property for debt, made prior to the first Tuesday in March, 1934, and subsequent to the effective date of this Act shall be and the same is hereby declared void. Provided that this Act shall not apply where the lien sought to be foreclosed was procured or obtained for the purpose of securing in part or whole any indebtedness for money or property procured by misrepresentation, fraud, defalcation or embezzlement. Provided further that if the record owner of such real estate and the holder of such indebtedness agree in writing that such sale shall be made on February 6, 1934, such sale shall be valid and binding. In all such cases the agreement shall be signed by the trustee or other person making such sale and by the record owner of such real estate and shall be acknowledged and filed for record with the trustee's or other person's deed.

Sec. 2. That the period within which return is required to be made under any such execution or order of sale shall be, and the same is hereby extended for such period as may be

necessary to enable the officer making such sale to make due return thereof, but such extension shall not extend beyond the first Tuesday in April, 1934.

Sec. 3. The time during which sales under execution, order of sale, deeds of trust, mortgage or contract shall be suspended or extended by the provisions of this Act shall not be accounted or computed as a part of the period within which suits shall be instituted or sales shall be made.

Sec. 4. The fact that widespread financial depression has made it impossible for many owners of encumbered real property to refinance loans secured by such property and has subjected vast amounts of valuable property to sale under foreclosure; the further fact that there is now no market demand for real estate which will cause sales on February 6, 1934, to be made at grossly inadequate prices and amount to a confiscation of property without extinguishing secured indebtedness, thereby working a harsh and cruel injustice upon many people who are unable to defend themselves; and the further fact that widespread sales of real estate for less than the intrinsic value will seriously retard the restoration of normal conditions creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was adopted by the following vote:

Yeas—23

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Redditt.
Duggan.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—3.

Holbrook.	Pace.
Murphy.	

Absent.

Beck. Rawlings.

Absent—Excused.

Fellbaum. Woodruff.
Greer.

Message From the House.

Hall of the House of Representatives.
Austin, Texas, February 5, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on H. B. No. 4 by a vote of 126 yeas and 6 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

At Ease.

Senator Holbrook moved that the Senate stand at ease, at 2:15 o'clock p. m., for the purpose of hearing, before the State Affairs Committee, the discussion on the General Moratorium measure.

The motion prevailed.

In Session.

The Chair, Lieutenant Governor Edgar E. Witt, pursuant to standing at ease, called the Senate to order at 3:18 o'clock p. m.

Bill Signed.

The Chair gave notice of signing, and did sign in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 4.

Adjournment.

On motion of Senator Hornsby, the Senate, at 3:22 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

SEVENTH DAY.

Senate Chamber,
Austin, Texas,
February 6, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.
Blackert.
Collie.
Cousins.
DeBerry.
Duggan.
Greer.
Holbrook.
Hopkins.
Hornsby.
Martin.
Moore.
Murphy.
Neal.
Oneal.

Pace.
Parr.
Patton.
Poage.
Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

Fellbaum. Stone.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodruff.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Senator Excused.

On motion of Senator Rawlings, Senator Stone was excused for the day on account of important business.

S. C. R. No. 6.

Senator Oneal sent up the following resolution:

Whereas, March 2, 1936, will mark the one hundredth anniversary of the Declaration of Independence of Texas; and

Whereas, The history of Texas is unique in the annals of the States of the Union in that Texas alone of the States was for years an independent republic and so recognized by the great nations of the world including the United States, France and Great Britain; and,

Whereas, Texas has made great progress during the hundred years of her independence, and has attracted thousands of citizens from elsewhere; and,

Whereas, It is the duty of every people from time to time to stop and take stock of their progress, and to give credit to the pioneers who came first into the country and by their efforts and sacrifices made possible